



State of New Jersey

James E. McGreevey
Governor

Department of Environmental Protection
LAND USE REGULATION PROGRAM
PO BOX 439
TRENTON, NJ 08625-0439
(609) 292-8115 (Fax)
www.state.nj.us/dep/landuse

Bradley M. Campbell
Commissioner

June 14, 2002

Mr. Chan Shin, Project Manager
NJ Department of Transportation
1035 Parkway Avenue
P.O. Box 600
Trenton, NJ 08625

RE: Authorization for Freshwater Wetlands Special Activity Transition Area Waiver for Linear Development

LURP File No.: 1107-02-0006.1
Applicant: Mr. Carl Nordstom, Deputy Director
NJ Division of Parks and Forestry
501 East State Street
P.O. Box 439
Trenton, NJ 08625
Project: **Route 1 Pedestrian/Bicycle Bridge**
Location: Route 1 – Milepost 6.4
Lawrence Twp. Mercer County
Shipetaukin Creek, Central Delaware Tributaries

Dear Mr. Shin:

The Land Use Regulation Program has reviewed the referenced application for a Transition Area Waiver pursuant to the requirements of the Freshwater Wetlands Protection Act Rules at N.J.A.C. 7:7A. The proposed activity is authorized by a Special Activity Transition Area Waiver which authorizes stormwater management, linear development, redevelopment, or activities eligible for an individual permit in freshwater wetland transition areas.

Limit of Authorized Disturbance

Based on the plans entitled "Route U.S. 1 Pedestrian Bridge at Delaware & Raritan Canal State Park," six (6) sheets dated 3/22/02, prepared by L. Bala Tangirala, P.E.; "Stream Environmental Permit Plan," undated, prepared by L. Bala Tangirala, P.E.; "Wetland Transition Area Plan," dated 3/22/02, prepared by L. Bala Tangirala, P.E.; "General Plan and Elevation sheets 32 to 36," undated, prepared by L. Bala Tangirala; and, General Plan and Elevation Bridge sheets B4, B5, B6, B7, B8 of B53, undated and prepared by L. Bala Tangirala and Environmental Plan sheets EP-1, EP2; Landscape Plans L-1, L-2 undated and prepared by Daniel J. Yacovino, which were submitted to LURP on June 6, 2002, the project is authorized by a Special Activity Transition Area Waiver with the following conditions.

*New Jersey is an Equal Opportunity Employer
Recycled Paper*

*New Jersey is an Equal Opportunity Employer
Recycled Paper*

The authorized activity involves the disturbance of **0.29 acres** of transition area of intermediate resource value wetlands associated with the Shipetaukin Creek for the **Pedestrian Bridge over Route 1** as shown on the plans. Any additional disturbance of wetlands, transition areas and/or State open waters shall be considered a violation of the Freshwater Wetlands Protection Act unless the activity is exempt or a permit is obtained from the Land Use Regulation Program prior to the start of the disturbance.

Permit Conditions

The activities allowed by this authorization shall comply with the following conditions. Failure to comply with these conditions shall constitute a violation of the Freshwater Wetlands Protection Act (N.J.S.A. 13:9B-1 et seq.).

Special Conditions

- 1) The total amount of transition area disturbance associated with this authorization shall not exceed **0.29 acres**.
- 2) The 0.19-acre area of temporary disturbance to transition areas must be replanted with native, indigenous species. The areas should be planted with native trees that are known to grow to sufficient height to provide partial shade for the open water areas in the vicinity. This replanting shall be performed immediately after activities that will temporarily disturb the environment.
- 3) From **March 15 to June 30** of each year, no near stream sediment generating activities shall be conducted that would adversely affect trout-stocked waters (D&R Canal) and their recreational use as well as any warmwater fish spawning in the canal or Shipetaukin Creek during this time.
- 4) Restoration plantings between the bridge foundation and the Shipetaukin Creek will consist of woody vegetation with root structures that have the potential to grow as soil stabilization sufficient to retard the natural meander of the creek toward the bridge foundation.
- 5) The bridge foundation should be of sufficient depth and strength so that the future meander of Shipetaukin Creek will not threaten the integrity of the structure because of future scour meander of the channel toward the structure.
- 6) The activity is designed so as not to interfere with the natural hydraulic characteristics of the wetland and watershed.
- 7) Acid-producing deposits, if encountered during excavation, should be handled according to the protocol described in the Stream Encroachment Manual's "Technical Notes Concerning Acid-Producing Deposits Section 2.5."
- 8) Return water discharged from any foundation area dewatering operations, if required, shall be routed to a properly sized temporary sediment basin prior to discharge into open water, wetland, or transition areas.

- 9) All soil erosion and sediment control practices shall be left in place and maintained until the soil is stabilized by vegetation or engineering measures.

In addition to the above conditions and the conditions noted at N.J.A.C. 7:7A-4 and -13, the following general conditions must be met for the activity authorized under this Special Activity Transition Area Waiver:

General conditions:

- 1) All fill and other earth work on the lands encompassed within this permit authorization shall be stabilized in accordance with "Standards for Soil Erosion and Sediment Control in New Jersey" to prevent eroded soil from entering adjacent waterways or wetlands at any time during and subsequent to construction.
- 2) This permit is revocable in accordance with DEP regulations and State law.
- 3) The issuance of this permit shall not be deemed to affect in any way other actions by the Department on any future application.
- 4) The activities shown on the approved plans shall be constructed and/or executed in conformity with any notes and details on said plans and any conditions stipulated herein.
- 5) No change in plans or specifications shall be made except with the prior written permission of the Department.
- 6) The granting of this authorization shall not be construed to in any way affect the title or ownership of the property, and shall not make the Department or the State a party in any suit or question of ownership of the property.
- 7) This permit is not valid and no work shall be undertaken pursuant to this authorization until all other required federal, state, and local approvals, licenses and permits necessary for commencement of work onsite have been obtained.
- 8) A complete, legible copy of this permit shall be kept at the work site and shall be exhibited upon request of any person.
- 9) The permittee shall allow the Program the right to inspect the construction site and also shall provide the Bureau of Coastal and Land Use Enforcement, NJDEP with written notification 7 days prior to the start of the authorized work.
- 10) This authorization is valid for five years from the date of this letter unless more stringent standards are adopted by rule prior to this date.

Transition Area

The wetland affected by this permit authorization is of intermediate resource value and the standard transition area or buffer required adjacent to it is 50 feet. This transition area waiver allows encroachment only in that portion of the transition area that has been determined by the Department to be necessary to accomplish the regulated activities. Any additional regulated activities conducted within the standard transition area on-site shall require a separate transition area waiver from the Program. Regulated activities within a transition area are defined at N.J.A.C. 7:7A-2.6.

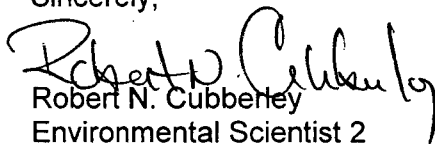
The amount of transition area necessary to accomplish the regulated activities has been determined to be approximately 0.29 acres including 0.11 acres of permanent impacts. Restoration of temporarily impacted areas will consist of replanting of woody vegetation as a measure to protect the structure from future scour.

Appeal of Decision

In accordance with N.J.A.C. 7:7A-1.7, any person who is aggrieved by this decision may request a hearing within 30 days of the decision date by writing to: New Jersey Department of Environmental Protection, Office of Legal Affairs, Attention: Adjudicatory Hearing Requests, CN 402, Trenton, NJ 08625-0402. This request must include a completed copy of the Administrative Hearing Request Checklist.

If you have any questions regarding this authorization, please contact William Mc Laughlin of our staff at (609) 984-0194, email (william.mclaughlin@dep.state.nj.us) or at the address listed above. Please reference the above file number.

Sincerely,


Robert N. Cubberley
Environmental Scientist 2
Bureau of Inland Regulation

WMcL

- c. Al Payne, Bureau of Parks & Forestry
Bureau of Enforcement
City of Camden Municipal Clerk
City of Camden Municipal Construction Official